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RE:  
Application no. 08/418,286  
Filed: 04/07/95  
Applicant: E. Schwartz  
Title: Heat Exchanger

Dear Sir,

July 11, 1995

This is in response on the Office action dated 06/15/95.

As required in the compliance under 35 U.S.C. # 121 the Applicant is electing for prosecution on the merits to which the claims shall be restricted the single disclosed species of the embodiment shown on Fig. 1

The elected single disclosed species shown on Fig. 1 are believed to be supported by generic claim 1 and dependent claims 2-8, 11, 13, 14, 18, 20, and 21. Embodiment shown on Figure 1 and supported by the abovementioned claims are related to a heat exchanger comprising internal return bends which are permanently fixed to the structure. Claim 1 is the broadest, and all dependant claims are related to various elements of this combination.

The applicant respectfully disagrees with the Examiner regarding his definition made in Office Action of distinct species of the claimed invention for the following reasons:

a) Figure 2 is a fragment of Figure 1 showing one layer of the heat exchange sheets and cannot be named as another species;

b) Figure 8 shows another modification of Figure 1 illustrating removable internal bends, and all other elements of this claim are similar to structure shown on Figure 1; this species of Figure 8 is also covered by claim 9 depending on claim 1;

c) Figure 12 depicting a semi-hexagonal external return bend which are similar to semi-octagonal external return bends shown on Fig. 1, this species of Fig. 12 is also covered by claim 12 depending on claim 1). The Applicant did not include drawings of this modification, but this additional Figure can be submitted after first Office action;

incorrect statement -- semi-hexagonal --  
not shown  
p. 12,  
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d) Figures 20 and 21 are very similar to Figure 8 except that removable internal return bends are fixed to the doors (also covered by claim 19 depending on claim 1 through claims 9 and 3 respectively);

e) Figure 24 shows another embodiment of removable internal return bends similar to Figure 8, but having different configuration;

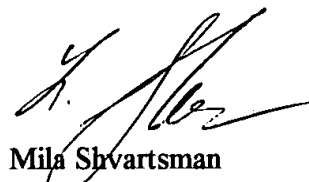
f) non-illustrated species of claim 14 and 15 are also covered by claim 1 and necessary amendments will be made by submitting additional Figures to show those missing elements.

The Applicant wishes to emphasize that in view of the fact that all elements of the present invention are covered by only one broad claim 1, those "patentably distinct species of the claimed invention" selected by the examiner, such as claims 1-4, 7-8, 11, and 18-21 are not actually generic, but all dependant on claim 1 and may be found as different embodiments of one unitary invention related to a heat-exchange structure shown on Fig. 1. Besides, the Applicant is not claiming any of those elements as separate inventions, and in view of this fact, he has no intentions to protect them separately.

The Applicant is asking the Examiner to reconsider his objection regarding dividing this invention into different generic species, and does not want to cancel any claims based on the abovementioned arguments.

Should the Examiner during the prosecution locate any prior art anticipated, for example, by the broadest claim 1, the Applicant will narrow down the scope of his invention accordingly on "step-by-step" basis.


Respectfully yours,



Mila Shvartsman  
Patent Agent  
36,417

#### CERTIFICATE OF MAILING

I certify that this correspondence will be deposited with the united States Postal Services as first class mail with proper postage affixed in an envelope addressed to : "Commissioner of Patents and Trademarks, Washington, DC 20231" on the date below.

Date: 1995, July 11  Patent Agent